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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,014	02/25/2004	Peter K. Malkin	YOR920030634US1 (17420)	3959
23389 7590 07/24/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER HOANG, HIEU T	
			ART UNIT 2152	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/787,014

**Applicant(s)**

MALKIN ET AL.

**Examiner**

HIEU T. HOANG

**Art Unit**

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-850)
- Paper No(s)/Mail Date 02/25/2004.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to the communication filed on 02/25/2004.
2. Claims 1-44 are pending and presented for examination.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 16-34 are rejected under 35 U.S.C. 101 the claimed invention is directed to non-statutory subject matter.
5. For claims 16-25, means for receiving a presentation agenda and means for implementing data feed can be a multi-presentation server handler 4050 in fig. 3 of the specification, therefore, read as software ([0029], scripts and Java Servlets.)
6. For claims 26-34, an on-line service is not a process, a machine, manufacture or a composition of matter. An online service can be just an abstract idea of providing a service. Therefore the claims do not belong to a statutory class under 35 U.S.C. 101. It seems that the body of claim 26 refers to a system; therefore the preamble should read "an on-line system". Correction is required.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite "steps b)-c)". It is not clear what applicant means. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh et al. (US 2004/0125129, hereafter Marsh), in view of Rosenberg et al. (A Framework for Conferencing with the Session Initiation Protocol, hereafter Rosenberg).

9. For claim 1, Marsh discloses a method for conducting an online multi-speaker presentation comprising the steps of:

receiving a presentation agenda that specifies a plurality of phases, each phase having a speaker for presenting in a pre-specified order (fig. 3, presentation agenda with phases and associated speakers in order);

said agenda including a policy for coordinating data feeds to one or more client devices according to an activated phase (fig. 7, initial settings 102, fig. 3, 5, each phase is associated with a presentation slide and a video); controlling data feed configurations

associated with each phase by activating data feed controls at times associated with an active agenda phase policy (fig. 3, activate moving image file and slides on the agenda each time a new phase starts); and

Marsh does not explicitly disclose:

broadcasting data content from said feeds associated with a current phase to one or more connected client devices, whereby many users of the on-line meeting participate according to feed policies specified by said agenda without users at the client devices having to explicitly select or coordinate the feed controls during the presentation.

However, Rosenberg discloses a conference policy for broadcasting conference content to different participants (fig. 1), wherein the policy can be timed-based, input-feed based and per participant (section 4.6, conference policy including participant access list, time-of-day and media policies including mixing feeds), wherein participants do not have to select or coordinate the feed controls during the presentation (5.1 par. 1, conference policy is created before the conference, p. 9 par. 6, conference-unaware participants can attend the conference without having to control the feed).

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Marsh and Rosenberg to control/manipulate a conference (as disclosed by Rosenberg) based on a predetermined timeline (as disclosed by Marsh) to provide more functionality to the conferencing system.

10. For claim 2, Marsh-Rosenberg discloses the invention as in claim 1. Marsh-Rosenberg further discloses repeating steps of b)-c) for each successively activated phase until said agenda terminates (Marsh, fig. 3, repeat phases until finish).

11. For claim 3, Marsh-Rosenberg discloses the invention as in claim 1. Marsh-Rosenberg further discloses said data feeds comprise data audio and video feeds (Rosenberg, page 15, media policies), said step of controlling data feed configurations associated with each phase further comprises the steps of: checking a current agenda-phase policy (Rosenberg, page 14, time-based policy); and, combining data feeds as specified according to said current agenda-phase policy prior to broadcasting a resulting composite video and/or audio to applicable clients (Rosenberg, page 15, mixing audio feeds), whereby data feed controls are automatically activated according to an agenda phase policy associated with a new phase activation (Marsh, activate content according to each new phase)

12. For claim 4, Marsh-Rosenberg discloses the invention as in claim 1. Marsh-Rosenberg further discloses the steps of: generating a graphic representation of the instant state of the presentation, whereby the graphic representation includes a depiction of a current phase; and, forwarding said representation to active users at said one or more client devices, each said one or more client devices adapted for receiving and displaying said graphic representation (Marsh, fig. 2, phases with according graphic presentation at the bottom).

13. For claim 5, Marsh-Rosenberg discloses the invention as in claim 4. Marsh-Rosenberg further discloses the step of: selecting a new phase whereby the selection is made via said graphical representation provided at that user's client device (Marsh, [0074] lines 8-10, jump to a certain phase).

14. For claim 6, Marsh-Rosenberg discloses the invention as in claim 4. Marsh-Rosenberg further discloses steps of: determining a current active presentation state; and, updating the graphical representation depicted according to said determined state and broadcasting a latest graphical representation to active users (Marsh, fig. 3, each phase has an associated content).

15. For claim 7, Marsh-Rosenberg discloses the invention as in claim 3. Marsh-Rosenberg further discloses the step of: receiving a user control request to join an on-line multi-speaker presentation or exit said multi-speaker presentation, and, automatically activating or deactivating an audio or video feed for said user accordingly (Rosenberg, p.8, par. 3, join, leave).

16. For claim 8, Marsh-Rosenberg discloses the invention as in claim 3. Marsh-Rosenberg further discloses the step of: receiving a user control request to change the presentation's phase to a next phase in the agenda (Rosenberg, 5.5 par. 2, a moderator can request to change any conference policy, including time policy, 4.6 par. 1).

17. For claim 9, Marsh-Rosenberg discloses the invention as in claim 3. Marsh-Rosenberg further discloses the step of: receiving a user control request to create a new multi-speaker presentation instance including specification of the presentation's agenda (Rosenberg, 5.6, create a background multi-speaker conference wherein users can invite others to join).

18. For claim 10, Marsh-Rosenberg discloses the invention as in claim 3. Marsh-Rosenberg further discloses the step of: enabling a current speaker to call on another active user who has requested to ask a question, whereby calling on another active user includes activating that user's audio feed (Rosenberg, 5.9, adding an audio stream).

19. For claim 11, Marsh-Rosenberg discloses the invention as in claim 10. Marsh-Rosenberg further discloses said step of calling on another active user includes the step of switching a shared screen to that another user's client device (Rosenberg, 5.9, adding that user's client device's video to the conference).

20. For claim 12, Marsh-Rosenberg discloses the invention as in claim 3. Marsh-Rosenberg further discloses said step of controlling data feed configurations further includes the step of accepting connections from speakers and spectators requesting to participate in said presentation (Rosenberg, 5.3, join).



21. For claim 13, Marsh-Rosenberg discloses the invention as in claim 1. Marsh-Rosenberg further discloses a step of authenticating speakers requesting to participate in said on-line meeting, said step of authenticating comprising the step of determining whether a given user can connect to the presentation (Rosenberg, 4.6, par. 1, access list).

22. For claim 14, Marsh-Rosenberg discloses the invention as in claim 13. Marsh-Rosenberg further discloses the step of providing at least one user with broadcast rights, and enabling a user to take away one or more said broadcast rights (Rosenberg, 5.4, removing a participant).

23. For claim 15, Marsh-Rosenberg discloses the invention as in claim 13. Marsh-Rosenberg further discloses said authenticating comprises a step of implementing presentation access control in the form of an ID or password is given to a user (Rosenberg, p. 14, par. 2, access control list).

24. For claim 16, Marsh discloses an online multi-speaker presentation system comprising:

means for receiving a presentation agenda that includes a plurality of phases, each phase having an associated speaker, said agenda phase including a policy for coordinating data feeds to one or more clients at each phase (fig. 3, presentation

agenda with phases and associated speakers in order, fig. 7, initial settings 102, fig. 3, 5, each phase is associated with a predetermined presentation slide and a video, fig. 3, activate moving image file and slides on the agenda each time a new phase starts)

Marsh does not disclose:

a means for implementing data feed configurations to one or more clients in accordance with said agenda phase policy, and

reconfiguring data feeds upon activation of a new phase, wherein a plurality of speakers of the on-line meeting participate according to feed policies specified by said agenda;

However, Rosenberg discloses a conference policy for broadcasting conference content to different participants (fig. 1), wherein the policy can be timed-based, input-feed based and per participant (section 4.6, conference policy including participant access list, time-of-day and media policies including mixing feeds).

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Marsh and Rosenberg to control/manipulate a conference (as disclosed by Rosenberg) based on a predetermined timeline (as disclosed by Marsh) to provide more functionality to the conferencing system.

25. For claim 17, Marsh-Rosenberg discloses the invention as in claim 16. Marsh-Rosenberg further discloses a means for determining a current speaker and reconfiguring said data feeds according to an agenda phase specification of the current

speaker (Marsh, fig. 3, a speaker is associated with a conference content which is activated accordingly to the agenda).

26. For claim 18, Marsh-Rosenberg discloses the invention as in claim 17. Marsh-Rosenberg further discloses a communications network having a plurality of client devices connected thereto (Rosenberg, fig. 1); and a server means connected to said network for implementing said data feed configurations to one or more clients in accordance with said agenda phase policy (Rosenberg, fig. 1, focus, Marsh, fig. 3, agenda with associated feeds), wherein said feed policies are triggered automatically without any client devices having to explicitly select or coordinate the feed controls during the presentation (Rosenberg, 5.1 par. 1, conference policy is created before the conference, p. 9 par. 6, conference-unaware participants can attend the conference without having to control the feed).

27. For claim 19, Marsh-Rosenberg discloses the invention as in claim 18. Marsh-Rosenberg further discloses said data feeds are configured to communicate audio, video or combined audio and video data, said system including broadcast means for providing said audio or video or combined audio and video data associated with a phase to one or more connected client devices (Rosenberg, p. 16, media policy example 2, mix feeds with equal weights and distribute).

28. For claim 20, Marsh-Rosenberg discloses the invention as in claim 19. Marsh-Rosenberg further discloses server means connected to said network further includes means for receiving data feeds from a client or data source (Rosenberg, p. 16, media policy example 2), checking a current agenda-phase policy (Marsh, fig. 3, feed based on agenda), and combining the feeds as is specified, said broadcast means transmitting a resulting composite image and/or audio to the applicable clients (Rosenberg, p. 16, media policy example 2, mix feeds with equal weights and distribute).

29. For claim 21, Marsh-Rosenberg discloses the invention as in claim 18. Marsh-Rosenberg further discloses an agenda-phase policy specifies a data feed from a non-speaker-related data source be broadcast to one or more clients (Rosenberg, 5.6, background or non-speaker-related conference).

30. For claim 22, Marsh-Rosenberg discloses the invention as in claim 21. Marsh-Rosenberg further discloses a non-speaker related data source includes web-accessible streaming video or streaming audio (Rosenberg, 5.6 par. 1, audio).

31. For claim 23, Marsh-Rosenberg discloses the invention as in claim 21. Marsh-Rosenberg further discloses said agenda is implemented as a text file or as an instance of a software object (Marsh, fig. 6, text file agenda).

32. For claim 24, Marsh-Rosenberg discloses the invention as in claim 21. Marsh-Rosenberg further discloses said phases, speakers and feed policies of said agenda determined and specified at some point in time prior to commencement of said on-line meeting (Rosenberg, 5.1 par. 1, conference policy is created before the conference).

33. For claim 25, the claim is rejected for the same rationale as in claim 4.

34. For claim 26, Marsh discloses an on-line service for enabling multi-speaker presentations comprising:

means connected to said communications network for receiving a presentation agenda that includes a plurality of phases, each phase having an associated speaker (fig. 3, presentation agenda with phases and associated speakers in order);

said agenda phase including a policy for coordinating data feeds to one or more client devices at each phase for participating in said meeting (fig. 7, initial settings 102, fig. 3, 5, each phase is associated with a presentation slide and a video); and,

a means for implementing data feed configurations to one or more clients in accordance with said agenda phase policy (fig. 3, activate moving image file and slides on the agenda each time a new phase starts)

Marsh does not disclose:

a communications network having a plurality of attached client devices adapted to receive broadcast presentations;

reconfiguring data feeds upon activation of a new phase, wherein said feed policies are triggered automatically without users at said clients devices having to explicitly select or coordinate the feed controls during the presentation.

However, Rosenberg discloses:

a communications network having a plurality of attached client devices adapted to receive broadcast presentations (fig. 1, conference participants across network);

a conference policy for broadcasting conference content to different participants (fig. 1), wherein the policy can be timed-based, input-feed based and per participant (section 4.6, conference policy including participant access list, time-of-day and media policies including mixing feeds).

It would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Marsh and Rosenberg to control/manipulate a conference (as disclosed by Rosenberg) based on a predetermined timeline (as disclosed by Marsh) to provide more functionality to the conferencing system.

35. For claim 27, Marsh-Rosenberg discloses the invention as in claim 26. Marsh-Rosenberg further discloses means for receiving user control requests for participating in an on-line presentation, a user control request to change the presentation's phase to a next phase in the agenda (Rosenberg, 5.3, join, Marsh, [0074] lines 8-10, jump to a certain phase).

36. For claim 28, the claim is rejected for the same rationale as in claim 9.

37. For claim 29, the claim is rejected for the same rationale as in claim 7.
38. For claim 30, Marsh-Rosenberg discloses the invention as in claim 28. Marsh-Rosenberg further discloses said feed policy includes broadcast rights, said service varying a user's rights based on an agenda policy (Rosenberg, p. 16, media policies, select feeds for broadcasting, Marsh, fig. 3, agenda phases with associated feeds).
39. For claim 31, the claim is rejected for the same rationale as in claim 4.
40. For claim 32, the claim is rejected for the same rationale as in claim 5.
41. For claim 33, Marsh-Rosenberg discloses the invention as in claim 30. Marsh-Rosenberg further discloses said means for implementing data feed configurations to one or more clients further accepts data feed connections from speakers and spectators viewing said presentation (Rosenberg, p. 16, media policies, example 2, distributed mixed feeds to all participants).
42. For claim 34, Marsh-Rosenberg discloses the invention as in claim 30. Marsh-Rosenberg further discloses said means for implementing data feed configurations to one or more clients further includes means enabling an active user to give control of a

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currently active screen to another user (Rosenberg, p. 16, media policies, mixing feeds is based on its source or speaker, Marsh, fig. 3, each phase has a speaker).

43. Claims 35-44 are rejected for the same rationale as in claims 1-12 respectively.

### ***Conclusion***

44. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Curbow et al. US 2004/0088362.
- Swanson. US 2004/0249967.
- Oruma et al. US 2003/0069931.
- Digate et al. US 2004/0161080.
- Hussein et al. US 7,007,235.
- Mashiko et al. US 7,167,833.
- Santos. US 2003/0158900.
- Terasaki. US 2004/0045036.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone



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number for the organization where this application or proceeding is assigned is 571-273-8300.

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HH

/Bunjod Jaroenchonwanit/  
Supervisory Patent Examiner, Art Unit 2152